



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SENT VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

Jim Harral, Safety Director
Thurston Manufacturing
1708 H Avenue,
Thurston, NE 68062

RE: Request for Information Pursuant to Section 308(a) of the Clean Water Act (33 U.S.C. § 1318(a))

PROMPT ATTENTION REQUIRED

Dear Mr. Harral:

The U.S. Environmental Protection Agency is issuing this Request for Information to Thurston Manufacturing, pursuant to the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a). This request seeks information regarding chat storage and compliance with the Company's EPA Administrative Order of Consent (AOC).

Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of information for the purposes of carrying out the objectives of the CWA, 33 U.S.C. § 1251, *et seq*, including information to determine whether a person is in compliance with the CWA. Under the authority of Section 308(a) of the CWA, the EPA hereby requires Thurston Manufacturing to provide the information requested in ENCLOSURE A within 30 days of receipt of this letter. **Please carefully read the instructions and definitions included in ENCLOSURE A before preparing your responses to this Request for Information.**

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Don Hamera at (913) 551-7818, or hamera.don@epa.gov.

Sincerely,

Diane Huffman
Acting Director
Enforcement and Compliance Assurance Division

Enclosures

Enclosure A

INFORMATION REQUEST

Pursuant to the authority of Sections 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), you are required to provide your responses to the information requested in conformance with the instructions and definitions set forth herein.

RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST

The U.S. Environmental Protection Agency requests submission of information, as described below:

I. Instructions for Response

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA.

Contact Information

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address, e-mail address, and/or phone number.
3. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in the response to the Request for Information.

Responses Format

4. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by e-mail or by mail (e.g. on a compact disc or flash drive) in PDF, Word, Excel, or other widely available electronic format. NOTE: as discussed below, any information claimed as confidential business information should be submitted by mail and properly labeled.

Complete Responses and New or Corrected Information

6. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.
7. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within 14 calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false, or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within 14 calendar days of when you find the information is inaccurate, false, or misrepresents the truth.

Accurate and Truthful Information Required

8. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to administrative, civil, or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

Certification

9. The Statement of Certification found in ENCLOSURE B must be submitted along with your responses every time a submission is made pursuant to this Request for Information. This statement must be made by the owner, CEO, president, or other officer of your company.

Confidential Business Information

10. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information claim under the provisions of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), 18 U.S.C. § 1905, and the regulations of 40 CFR Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.
- a. Procedures to claim confidential treatment for information requested or demanded by the EPA.
 - i. You may assert a CBI claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by a CBI claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 CFR Part 2, Subpart B.
 - ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business, pursuant to 40 CFR § 2.203(a).
 - iii. The regulations applicable to a claim of CBI are at 40 CFR Part 2, Subpart B, 41 FR 36902, September 01, 1976, as amended at 43 FR 40000, September 08, 1978; 50 FR 51661, December 18, 1985.
 - b. Method and time of asserting business confidentiality claim. Pursuant to 40 CFR § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as trade secret, proprietary, confidential business information, CBI or proprietary business information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.
 - c. If you assert a CBI claim on the submitted information and the Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.

Submission of Response to Request for Information

11. All responses to this Request for Information must be submitted within 30 days of receipt of this request unless another deadline for submission has been approved in writing by the EPA. It is strongly preferred that your response(s) be scanned and sent electronically to hamera.don@epa.gov.

If you are unable to send your response electronically, you may submit your response by mailing it to the address below. Your response should be submitted in a manner that allows you to track delivery and be submitted to:

U.S. Environmental Protection Agency, Region 7
ATTN: Don Hamera
Enforcement and Compliance Assurance Division
11201 Renner Boulevard
Lenexa, Kansas 66219

II. Definitions

For the purpose of the Instructions and Information Requests set forth herein, the following definitions shall apply:

1. The term “you” shall mean the addressee of the Information Request, the addressee’s officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term “person” as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust, or governmental entity, unless the context indicates otherwise.
3. The term “facility” shall mean: The Emerson Manufacturing facility located at approximately 608 Industrial Road, Nebraska.
4. The terms “furnish,” “describe,” “provide,” or “indicate” shall mean turning over to the EPA either original or duplicate copies of the requested information in your possession, custody, or control. Where specific information has not been memorialized in any document but is nonetheless responsive to an Information Request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
5. The term “identify” means, with respect to a natural person, to set forth his or her full name, present or last known business address, the name of his or her employer, and a description of the job responsibilities of such person.
6. The term “identify” means, with respect to a corporation, partnership, business trust, or other association or business entity (including sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and the substance of the subject matter.

8. As used here, “document” or “documents” shall be defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, translated if necessary, through detection devices, into reasonably useable form. Documents should be produced as they are kept in the usual course of business.
9. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Information Request any information which might otherwise be construed to be outside their scope.

III. Requested Information

Respondent Information

1. Identify the person(s) answering these questions on behalf of Emerson Manufacturing (hereafter Emerson Manufacturing or facility) including full name, business mailing address, business telephone number, and relationship to Emerson Manufacturing.

Information Regarding Process Wastewater

1. How many employees work onsite?
2. How many shifts/days per week is the facility in operation?
3. Please provide the list of raw materials on site.
4. Please describe your manufacturing process.
5. Describe any changes to the plant or production process that are anticipated in the next year?
6. What is the current water consumption of the facility? Specify what portion is used during the production process.
7. List all production processes that use water identifying the following: the process, the average flow, indicate if the process is batch or continuous, and treatment used, if provided. Attach a copy of the Plant's process schematic and show the locations from which wastewaters are generated.
8. Describe the calibration procedures used for any flow meters used and the calibration frequency.
9. If the process wastewater is treated before discharge to the Pender Wastewater Treatment Plant, describe the following:
 - a. Treatment type
 - b. Date installed
 - c. Design flow
 - d. Actual flow
 - e. How often is there a discharge
 - f. What reagents are used in the treatment process? At what rate?
10. Provide effluent monitoring data for flow, pH, metals, cyanide, and TTOs from January 1, 2019 through September 30, 2021.

ENCLOSURE B

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information.

Signature

Name

Date

Title